IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL WRIT PETITION NO.669 OF 2006

WITH

CRIMINAL WRIT PETITION NO.670 OF 2006

WITH

CRIMINAL WRIT PETITION NO.671 OF 2006

WITH

CRIMINAL WRIT PETITION NO.672 OF 2006

Pandurang Vasudeo Patil : Petitioner.

versus

The State of Maharashtra : Respondent.

Mr.Nitin Pradhan with Mrs.S.D.Khot for the petitioner.

Mrs.A.S.Pai, APP, for the State.

CORAM : D.G.DESHPANDE

V.K.TAHILRAMANI JJ.

DATED : APRIL 05, 2006.

COMMON P.C.

1. The order of the High Court, to which a reference was made by the learned counsel Mr.Pradhan, is on page 5 of the Writ Petition No.669 of 2006. The said order is common in all these writ petitions. As per that order the Magistrate was required to decide the applications of the petitioner for discharge on their own merits. However, the Magistrate by this impugned order dated 5.1.2006 has rejected those applications for discharge and directed the accused to file an application before this Court under Section 482 of the Criminal Procedure Code.

2. The learned APP could not support this order. On the face of it, the impugned order is wrong. It was not necessary and proper for the Magistrate to find out vai-media and avoid compliance of the order of this court. Therefore, the impugned order, in all the matters, is set aside and quashed. The matters are sent back to the Magistrate with direction to him to decide the applications for discharge of the petitioner on the ground of delay. He should

do so within six weeks from today without fail. No extension on any count will be granted. Advocate for the petitioner and the APP before the Magistrate shall give full cooperation to the Magistrate in finally disposing of the matters within the stipulated period. All the petitions are disposed of.

3. The concerned Magistrate to act upon an ordinary copy of this order duly authenticated by the Court Sheristedar.

[D.G.DESHPANDE,J]

[V.K.TAHILRAMANI,J]